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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,407	03/19/2004	Shinsuke Ikishima	UNI079.021AUS	7353

20995 7590 07/02/2007  
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EXAMINER
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ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

NOTIFICATION DATE	DELIVERY MODE
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07/02/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/804,407

Applicant(s)

IKISHIMA ET AL.

Examiner

Daniel Zirker

Art Unit

1771

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See NOTE below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,2 and 4-28.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Daniel Zirker*

Daniel Zirker  
Primary Examiner  
Art Unit: 1771

Continuation of 5. Applicant's reply has overcome the following rejection(s): if entered, the 35 USC 112, 2nd paragraph rejections which previously existed.

Continuation of 11. does NOT place the application in condition for allowance because: It is first noted that although the 112 2nd paragraph rejections of record would have been overcome by the cancellation of claims 4,7,8,11,12,15 and 16 the presented claims now also require the cancellation of claims 19 and 24 as duplicate claims, as well as also amending the dependency of claims 20 and 25. As to the submission of the Declaration of coinventor Ikishima it is first noted that the Declaration is, in addition to being untimely since the issue regarding the prior art combination first arose two Office Actions ago, also presented by a clearly interested party. As regards its substance it is in passing also noted that both the Bugajski et al reference and the submitted product literature (Response, pages 6-7) do not characterize TINUVIN 292 as a low molecular compound but rather as a hindered amine light stabilizer, and as regards the leaching property of the aforementioned light stabilizer this also, while it may very well be true, no objective supporting evidence is believed to have been presented besides the unsubstantiated opinions of both the coinventor and counsel. In the same vein the technical arguments presented primarily on page 8 of the Response are again unsubstantiated counsel's opinion instead of that of a reasonably disinterested party. Finally, with respect to the disclosure of Nakamura it is noted that there is no negative prohibition (as there is in claim 1) that the (meth)acrylic polymer does not contain carboxylic acid functional groups in either independent claims 17 and 22, and as regards applicants' unsupported contention that Nakamura teaches away from the absence in the composition of carboxylic acid functional groups the Examiner respectfully submits that Col 4, lines 39-49 of the reference, particularly lines 46-49 are simply relied upon for supporting the Examiner's contention that the cited properties are well known as being desirable in films and articles such as applicants' claim.